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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Michael G. NATHANS, et al. ART UNIT: 3691
SERIAL NO.: 09/924,971 EXAMINER: Muriel S. Tinkler
CONFIRMATION NO.: 3150
FILING DATE: August 9, 2001
FOR: NATIONAL HOUSING CREDIT REPOSITORY PROTOCOLS

REPLY BRIEF

COMMISSIONER FOR PATENTS
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SIR:

In response to the Examiner's Answer mailed May 1, 2008, submitted herewith is
Appellants' Reply Brief.

ARGUMENT

The Examiner's Answer contains largely the same arguments as set forth in the Final Office Action. These arguments were addressed in Applicants' opening brief and will not be repeated here.

There is, however, one new issue raised in the Examiner's Answer. The Examiner's Answer asserts at page 11, paragraph 4, that Weatherly discloses the authorization and release of information to a third party, citing Weatherly at col. 4, lines 25-27. Applicants respectfully disagree. Weatherly is directed to a lease payment guaranty system in which a guarantor guarantees a tenant's lease payments to a landlord in exchange for a fee. The cited passage of Weatherly discusses the formation of such a relationship in which the landlord submits the tenant's data for evaluation to the guarantor so that the guarantor can determine whether or not to assume the risk of guaranteeing the tenant's payments. The salient point here is that this data, referred to as "history" at col. 4, line 28, is provided to the guarantor prior to the formation of any guarantee by the guarantor and is therefore prior to any collection of any payment data by the guarantor. Thus, whatever history data is supplied to the guarantor at the formation of the relationship, it cannot be the payment data recorded by the guarantor in performance of its guaranty/management activities that the examiner relies on because this data has yet to be collected. Moreover, the "financial institution" to which this history data is released is the payment processor, not any third party. Weatherly therefore does not disclose the authorization of collected payment data to any third party as asserted in the Examiner's Answer, and the final rejection should be reversed for this reason as well as the reasons discussed in Applicants'

opening brief.

Respectfully submitted,

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